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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF APPEALS AND INTERFERENCES

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In re Application of: James Nicholas Seymour

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Application for Patent Filed

Serial No. 08/987,995

Group Art Unit 2745

Filed 12/10/97

REPLY BRIEF

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REPLY BRIEF

This Reply Brief is being filed in response to the Examiner's Answer dated December 5, 2000.

After a careful reading of the Examiner's Answer, respectfully, it appears that the Examiner is allowing himself to be confused between the invention as defined by the wording of the claims and the invention as seen through its effect. The Examiner's confusion seems apparent from the section in paragraph (11) of his Answer where he states:

"It is true that French disclose a portable computer not a radio telephone. However if the portable electronic device (computer) is removed from the stationary position, operation of the portable unit is inhibited. Therefore the concept can apply to the radio telephone."

In the independent claims of the instant application, namely, claims 12 and 19, appellant is not simply claiming the effect of inhibiting operation of a portable electronic device when it is removed from the stationary position. What is being claimed is a combination of concrete structural components of coupling means connected to a charging unit, sensing means sensing the absence or presence of the charging unit, and inhibiting means responsive to the sensing means. It is through the provision of these components that the effect of inhibiting operation of a radio telephone when removed from the stationary position is achieved. Appellant is not claiming the effect but rather the recited combination of structural features. This combination of features cannot be derived from a combination of Saji and French.

Again, it is submitted that the claims of the instant application define a novel and unobvious portable radio telephone provided with a sensor for sensing whether or

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not the telephone is coupled in intimate proximity to a rest. As the inventive feature, the telephone has an inhibitor which inhibits operation of the telephone or locks the telephone against operation when the sensor senses that the telephone is absent from the rest. A favorable determination is respectfully solicited.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this Reply Brief is being deposited with the United States Postal Service today as first class mail addressed to Commissioner of Patents and Trademarks, Washington, D.C. 20231.

1/10/01  
Date

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